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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,339	04/18/2006	Juha Pimia	43289-211452	3056
26694 7590 07/16/2008 VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998				
EXAMINER				
MCCLELLAND, KIMBERLY KEIL				
ART UNIT		PAPER NUMBER		
1791				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,339

Applicant(s)

PIMIA ET AL.

Examiner

KIMBERLY K. MCCLELLAND

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 11/30/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application.
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of dependent claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: attaching a 2-dimensional film. Step d requires detaching a film, but there is no recitation of a film to be detached. It is therefore what film is being referred to, or where the film comes from.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,923,848 to Akada et al.
6. With respect to claim 1, Akada et al. discloses an image formation method, including a pattern (307) is first formed by printing (i.e. transfer printing) a coloring agent on a printing medium (501), after which the pattern is transferred to the surface of an object (330) to be patterned, characterized in that wherein the coloring agent forming the pattern is left unfixed in connection with forming the pattern, and the fixing is

performed separately by means of an auxiliary agent (305) applied onto the pattern or by means of a layer placed on top of the same, after which the pattern is transferred to the surface of the object to be patterned (See Figures 27-29, column 2, lines 45-64, and column 3, lines 29-38).

7. As to claim 2, Akada et al. discloses a) providing a printing medium (510), b) forming a pattern (307) onto the surface of the printing medium by a printing method (i.e. transfer printing), in which a coloring agent is applied onto the surface of the printing medium at points determined by the desired pattern without fixing, c) fixing the coloring agent forming the pattern by means of an auxiliary agent applied (305) onto it (column 3, lines 29-38), d) detaching a 2-dimensional film (610) containing the fixed pattern and the auxiliary agent, from the printing medium and e) placing the 2-dimensional film (610) onto the 3-dimensional surface of the object (330; See Figures 27-29; column 33, lines 25-48).

8. As to claim 3, Akada et al. discloses a) providing a printing medium (510), b) forming a pattern (307) onto the surface of the printing medium by a printing method (i.e. transfer printing), in which a coloring agent is applied onto the surface of the printing medium at points determined by the desired pattern, without fixing, c) fixing the coloring agent forming the pattern (column 3, lines 29-38) by means of a 2-dimensional film (305) formed on top of it, d) detaching the 2-dimensional film (305) with the fixed pattern from the printing medium (310), and e) placing the 2-dimensional film (305) onto the 3-dimensional surface of an object (330; See Figures 27-29; column 33, lines 25-48).

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9. As to claim 4, Akada et al. discloses the 2-dimensional film (305), with which the pattern (307) is transferred to the surface of the object (330), is stretchable (i.e. plastic; column 26, lines 15-27).
10. As to claim 5, Akada et al. discloses the pattern (307) is encapsulated between two stretchable films (402/305; i.e. plastic; column 26, lines 15-27; column 27, lines 5-13)
11. As to claim 6, Akada et al. discloses one of the stretchable films (402) is a film originating from the printing medium (510) and the other is a film (305) formed by or containing the fixing auxiliary agent (i.e. plastic; column 26, lines 15-27).
12. As to claim 7, Akada et al. discloses the film (402) originating from the printing medium (510) is placed against the surface of the object (330) to be patterned and the film (305) formed by or containing the fixing auxiliary agent forms an outer protective film (see Figures 27-29).
13. As to claim 8, Akada et al. does not specifically disclose the film (i.e. adhesive agent; column 28, lines 8-14) formed by or containing the fixing auxiliary agent is placed against the surface of the object (330) to be patterned and the film originating from the printing medium forms an outer protective film (302; See Figure 21).
14. As to claim 9, Akada et al. discloses the surface of the object (330) to be patterned is curved in two sectional planes perpendicular to each other and the surface (column 33, lines 25-48).
15. As to claim 10, Akada et al. discloses the object (330) to be patterned is the cover of an electronic device (column 33, lines 25-48)

16. As to claim 11, Akada et al. discloses the method also comprises the forming of an image file corresponding to the pattern by a data processing technique before the image is formed on the surface of the printing medium (column 4, lines 55-60).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,923,848 to Akada et al. as applied to claims 1-11 above, and further in view of U.S. Patent Application Publication No. 2002/0131062 to Neri et al.

19. With respect to claim 12, Akada et al. does not specifically disclose the object to be patterned is the cover of a mobile phone.

20. Neri et al. discloses a method of printing onto a three-dimensional object, including cell phones (See Figure 5 and paragraph 0008). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Neri's teaching of transferring a design onto a cell phone cover with the three dimensional object printing method of Akada et al. The motivation would have been to allow a user to effectively attach design patterns onto the entire surface of a cell phone cover (See paragraph 0004).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent Application Publication No. 2003/0054142 to Yamamoto et al., U.S. Patent Application Publication No. 2002/0103034 to Kammerer et al., U.S. Patent No. 6,951,832 to Kuroki et al., U.S. Patent No. 5,773,188 to Ellis, U.S. Patent No. 5,571,766 to Imai et al., U.S. Patent No. 5,545,605 to Imai et al., and U.S. Patent No. 5,342,821 to Pearce disclose similar thermal transfer methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY K. MCCLELLAND whose telephone number is (571)272-2372. The examiner can normally be reached on 8:00 a.m.-5 p.m. Mon-Thr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on (571)272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly K McClelland/
Examiner, Art Unit 1791

KKM

/Philip C Tucker/
Supervisory Patent Examiner, Art Unit 1791